

PCT REQUEST

Original (for SUBMISSION)

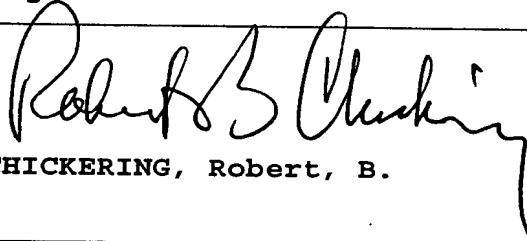
| | | |
|----------------|--|--|
| 0 | For receiving Office use only | |
| 0-1 | International Application No. | |
| 0-2 | International Filing Date | |
| 0-3 | Name of receiving Office and "PCT International Application" | |
| 0-4 | Form PCT/RO/101 PCT Request | |
| 0-4-1 | Prepared Using | PCT-SAFE [EASY mode] Version 3.50 (Build 0002.162) |
| 0-5 | Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty | |
| 0-6 | Receiving Office (specified by the applicant) | United States Patent and Trademark Office (USPTO) (RO/US) |
| 0-7 | Applicant's or agent's file reference | 33508-PC-RBC |
| I | Title of Invention | TWIST-OPEN CLOSURE HAVING INCLINED FRANGIBLE MEMBRANE |
| II | Applicant | |
| II-1 | This person is | applicant only |
| II-2 | Applicant for | all designated States except US |
| II-4 | Name | PORTOLA PACKAGING, INC. |
| II-5 | Address | 890 Faulstich Court San Jose, California 95112 United States of America |
| II-6 | State of nationality | US |
| II-7 | State of residence | US |
| II-8 | Telephone No. | 408-573-2073 |
| II-9 | Facsimile No. | 408-452-0122 |
| III-1 | Applicant and/or inventor | |
| III-1-1 | This person is | applicant and inventor |
| III-1-2 | Applicant for | US only |
| III-1-4 | Name (LAST, First) | MA, Mike, Xiaoli |
| III-1-5 | Address | c/o Portola Packaging, Inc. 890 Faulstich Court San Jose, California 95112 United States of America |
| III-1-6 | State of nationality | US |
| III-1-7 | State of residence | US |

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| | | |
|--------|--|--|
| IV-1 | Agent or common representative; or address for correspondence The person identified below is hereby has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: | agent |
| IV-1-1 | Name (LAST, First) | CHICKERING, Robert, B. |
| IV-1-2 | Address | 4 Embarcadero Center, Suite 3400 San Francisco, California 94111 United States of America |
| IV-1-3 | Telephone No. | 415-781-1989 |
| IV-1-4 | Facsimile No. | 415-398-3249 |
| IV-1-6 | Agent's registration No. | 24,286 |
| IV-2 | Additional agent(s) | additional agent(s) with same address as first named agent ANANIAN,R., Michael (35,050); BACHAND,Edward, N. (37,085); BREZNER,David, J. (24,744); LORENZ,Todd, A. (39,754); SILVA,Robin, M. (38,304); SWIATEK,Maria, S. (37,244); PEASE,Ann, M. (42,067); TEST,Aldo, J. (18,048); TRECARTIN,Richard, F. (31,801); JOHNSON,Victor, E. (41,546) |
| V | DESIGNATIONS | |
| V-1 | The filing of this request constitutes under Rule 4.9(a), the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents. | |
| VI-1 | Priority claim of earlier national application | |
| VI-1-1 | Filing date | 27 October 2003 (27.10.2003) |
| VI-1-2 | Number | 60/515,220 |
| VI-1-3 | Country | US |
| VI-2 | Priority document request The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) identified above as item(s): | VI-1 |
| VII-1 | International Searching Authority Chosen | United States Patent and Trademark Office (USPTO) (ISA/US) |

PCT REQUESTOriginal (for **SUBMISSION**)

| | | | |
|-------------|--|--|-----------------------------|
| VIII | Declarations | Number of declarations | |
| VIII-1 | Declaration as to the identity of the inventor | - | |
| VIII-2 | Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent | - | |
| VIII-3 | Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application | - | |
| VIII-4 | Declaration of inventorship (only for the purposes of the designation of the United States of America) | - | |
| VIII-5 | Declaration as to non-prejudicial disclosures or exceptions to lack of novelty | - | |
| IX | Check list | number of sheets | electronic file(s) attached |
| IX-1 | Request (including declaration sheets) | 4 | ✓ |
| IX-2 | Description | 13 | - |
| IX-3 | Claims | 4 | - |
| IX-4 | Abstract | 1 | ✓ |
| IX-5 | Drawings | 8 | - |
| IX-7 | TOTAL | 30 | |
| IX-8 | Accompanying Items | paper document(s) attached | electronic file(s) attached |
| IX-17 | Fee calculation sheet | ✓ | - |
| IX-17 | PCT-SAFE physical media | - | ✓ |
| IX-19 | Figure of the drawings which should accompany the abstract | 10 | |
| IX-20 | Language of filing of the international application | English | |
| X-1 | Signature of applicant, agent or common representative |  | |
| X-1-1 | Name (LAST, First) | CHICKERING, Robert, B. | |
| X-1-2 | Name of signatory | | |
| X-1-3 | Capacity | | |

PCT REQUEST

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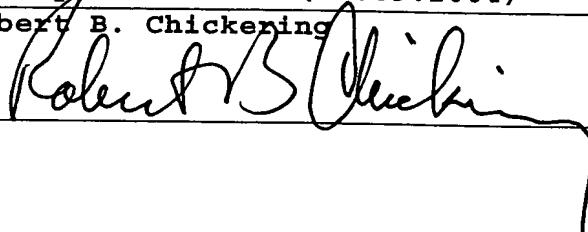
| | | |
|--------|---|--------|
| 10-1 | Date of actual receipt of the purported international application | |
| 10-2 | Drawings: | |
| 10-2-1 | Received | |
| 10-2-2 | Not received | |
| 10-3 | Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application | |
| 10-4 | Date of timely receipt of the required corrections under PCT Article 11(2) | |
| 10-5 | International Searching Authority | ISA/US |
| 10-6 | Transmittal of search copy delayed until search fee is paid | |

FOR INTERNATIONAL BUREAU USE ONLY

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| 11-1 | Date of receipt of the record copy by the International Bureau | |
|------|--|--|

PCT REQUEST (ANNEX - FEE CALCULATION SHEET)Original (for **SUBMISSION**)

(This sheet is not part of and does not count as a sheet of the international application)

| | | | |
|------------|--|--|----------------------------|
| 0 | For receiving Office use only | | |
| 0-1 | International Application No. | | |
| 0-2 | Date stamp of the receiving Office | | |
| 0-4 | Form PCT/RO/101 (Annex) PCT Fee Calculation Sheet Prepared Using | | |
| 0-4-1 | | PCT-SAFE [EASY mode] Version 3.50 (Build 0002.162) | |
| 0-9 | Applicant's or agent's file reference | 33508-PC-RBC | |
| 2 | Applicant | PORTOLA PACKAGING, INC. | |
| 12 | Calculation of prescribed fees | fee amount/multiplier | Total amounts (USD) |
| 12-1 | Transmittal fee | T | 300 |
| 12-2-1 | Search fee | S | 1000 |
| 12-2-2 | International search to be carried out by | US | |
| 12-3 | International filing fee (first 30 sheets) | I1 | 1134 |
| 12-4 | Remaining sheets | 0 | |
| 12-5 | Additional amount (X) | 0 | |
| 12-6 | Total additional amount | I2 | 0 |
| 12-7 | I1 + I2 = | I | 1134 |
| 12-12 | EASY Filing reduction | R | -81 |
| 12-13 | Total International filing fee (i-R) | I | 1053 |
| 12-14 | Fee for priority document Number of priority documents requested | 1 | |
| 12-15 | Fee per document (X) | 20 | |
| 12-16 | Total priority document fee: | P | 20 |
| 12-17 | TOTAL FEES PAYABLE (T+S+I+P) | | 2373 |
| 12-19 | Mode of payment | cheque | |
| 12-20 | Deposit account instructions The receiving Office | United States Patent and Trademark Office (USPTO) (RO/US) | |
| 12-20-2 | Authorization to charge any deficiency or credit any overpayment in the total fees indicated above | ✓ | |
| 12-21 | Deposit account No. | 50-2319 | |
| 12-22 | Date | 16 September 2004 (16.09.2004) | |
| 12-23 | Name and signature | Robert B. Chickering  | |

**TRANSMITTAL LETTER TO THE
UNITED STATES RECEIVING OFFICE**

| | |
|-------------------------------|-------------------|
| Date | 16 SEPTEMBER 2004 |
| International Application No. | 10/525143 |
| Attorney Docket No. | 33508-PC-RBC |

I. Certification under 37 CFR 1.10 (if applicable)

EV 381 805 619 US

16 SEPTEMBER 2004

Express Mail mailing number

Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature of person mailing correspondence

Seamus Scanlon

Typed or printed name of person mailing correspondence

II. New International Application

TITLE

TWIST-OPEN CLOSURE HAVING INCLINED
FRANGIBLE MEMBRANEEarliest priority date
(Day/Month/Year)

27 OCTOBER 2003

SCREENING DISCLOSURE INFORMATION: In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A. The invention disclosed was not made in the United States.
- B. There is no prior U.S. application relating to this invention.
- C. The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority.)

application no. 60/515,220 filed on 27 OCTOBER 2003

application no. filed on

- D. The present international application contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages _____ and DOES NOT ALTER MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15.

III. A Response to an Invitation from the RO/US. The following document(s) is (are) enclosed:

- A. A Request for An Extension of Time to File a Response
- B. A Power of Attorney (General or Regular)
- C. Replacement pages:

| | | | |
|-------|-----------------------------|-------|-----------------|
| pages | of the request (PCT/RO/101) | pages | of the figures |
| pages | of the description | pages | of the abstract |
| pages | of the claims | | |

- D. Submission of Priority Documents

| | |
|-------------------|-------------------|
| Priority document | Priority document |
|-------------------|-------------------|

- E. Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

IV. A Request for Rectification under PCT 91 A Petition A Sequence Listing Diskette

V.

Other (please specify):

The person
signing this
form is the:

| | |
|---|---------------------------------------|
| <input type="checkbox"/> Applicant | CHICKERING, Robert B. Reg. No. 24,286 |
| <input checked="" type="checkbox"/> Attorney/Agent (Reg. No.) | Typed name of signer |
| <input type="checkbox"/> Common Representative | Signature |

A closure for a container having an opening includes a base cap and an overcap that form a sealed chamber adjacent the opening that isolates the contents of the container. The base cap includes an outer skirt having container-engaging structure, a cylindrical well, a frangible membrane connected to the well along an inclined line of weakness and by a hinge member. The hinge member includes a pocket extending downward adjacent lower and upper terminuses of the line of weakness. The overcap includes a body having gripping structure, an inner skirt received within and rotatably connected to the well, and a cutting member depending from a lower end of the inner skirt received within the pocket such that the cutting member extends below the upper terminus. The cutting member severs the line of weakness upon substantial rotation of the overcap with respect to the base cap. A method of using the closure is also disclosed.